
RESTRUCTURING THE SCALES: A VICTIMOLOGICAL ASSESSMENT OF INDIA'S CONTEMPORARY CRIMINAL LAW REFORMS

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ABSTRACT

This research mainly focuses on perennial issues surrounding the Victimological Assessment of India. The trajectory of India's criminal law reforms reflects a gradual but decisive shift from an offendercentric paradigm toward a more balanced framework that acknowledges victims and the realities of prison. Historically, the procedure used in the criminal proceeding emphasised state authority as well as punitive measures, often sidelining victims' rights. In the 154th Report of the Law Commission of India (1996) it was marked that a turning point by recommending the recognition of victimology, in the indian judiciary system which culminated in the Code of Criminal Procedure (Amendment) Act, 2008. This Act introduced the statutory definition of "victim" under Section 2(wa) and established the Victim Compensation Scheme under Section 357A, laying the groundwork for a victiminclusive justice system. Traditionally, the tool of justice crime was generally regarded as an offense to the state, confining victims' compelling role largely to that of witnesses. This paper examines these legislative reforms through victim attitudes, assessing whether they truly uphold victims' rights or mainly expand state rights. Through statutory developments and strain the development of victims' rights in India which have been recognized step by step as important components of justice restitution, participation and procedural fairness. The take a look at highlights important victim-centric provisions delivered under BNSS, mandatory communication of research progress, proper popularity of victim to be heard before prosecution is withdrawn, institutionalization of zero FIRs, audio and video recording of statements in touchy cases. Victims have to promote transparency, accountability and greater participation. At the same time, the paper critically assesses provisions that extol police powers, particularly police custody, and explores the resulting anxiety between victim empowerment and multiplied national rights. It additionally considers modern day challenges including cybercrime and digital fraud, emphasizing that

legislative reforms alone cannot ensure significant justice without institutional preparedness and effective implementation.

Key Words: - *Victimological, Law Commission, Indian Judiciary, Victim, Institutionalization, Accountability*

I. Introduction

For over a century and a half, India's criminal justice system was shaped by colonial laws like the Indian Penal Code (1860) and the Code of Criminal Procedure (1973). These laws mainly protected state power. In this setup, the state and the accused fought over guilt, while the victim was treated only as a witness, not as an active participant. As a result, victims often suffered again within the justice process itself.

Now, India is undergoing a major change. The old laws have been replaced by the Bharatiya Nyaya Sanhita (BNS), 2023 and the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023. These new laws aim to give victims a stronger role in purest form of justice system. The key question is whether these reforms truly empower victims or simply give the power to only for a political aspect more control in a new form. This debate is especially important today, with rising cybercrimes as in the case of digital arrest in ongoing social inequalities.

II. Main Points

For many years after independence, India's criminal justice system treated crimes only as offenses against the State. Victims had little say, except as witnesses for the prosecution. This began to change in the late 20th century when the Supreme Court started recognizing victims' rights under Article 21 of the Constitution (the right to life).

Through landmark case of Hari Kishan v. Sukhbir Singh (1988) and also in the case like Delhi Domestic Working Women's Forum v. Union of India (1995), the Court said that victims have a right to be compensated and supported, even beyond whether the offender is convicted. This marked the beginning of victimology in India, driven by judicial activism, law commission reports, and pressure from civil society..

Back in 1996, the Law Commission of India, through its 154th Report, made a bold suggestion: it was time to give victims a real place in the criminal justice system as they were identified. This idea eventually gave the Code of Criminal Procedure (Amendment) Act of 2008, which for the first time defined who would be classified as a “victim” was under Section 2(wa) and also provided the Victim Compensation Scheme in Section 357A. Victims were still left vulnerable, subject to the unpredictable choices of prosecutors. After so many years, this gap between promise and practice grew more visible, creating pressure for deeper reform by making new amendments needs Progression of grievances arising out of crime. That pressure finally culminated in the Bharatiya Nyaya Sanhita (BNS), 2023, and the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023. For the first time, India’s criminal laws now recognise victimology directly arising out of crimes, reshaping as in development of the traditional triangle of state, accused, and victim into something more balanced and humane.

III. Codifying Accountability: Key Statutory Safeguards

Let's take Section 173: In this it is required police to inform victims about on going progress on the investigation within 90 days. This may sound procedural, but in practice it chips away at a long-standing culture of secrecy in law enforcement. For the first time, victims are promised a formal channel to monitor investigations and, if necessary, seek judicial remedies when those investigations stall or are compromised.

Equally significant is Section 257, which prevents a Public Prosecutor from withdrawing a case without first hearing the victim. This law directly showcases a troubling harsh reality in India’s local governance—where the charges against powerful individuals were often dropped due to political convenience, leaving victims abandoned as avoided their justice. Mandating the voice of the victims in such decisions, the BNSS has attempted to rebalance power of law and protect against arbitrary state action.

These provisions collectively signal a planned legislative move to bring victims into the focus of criminal complaints. However the assignment is no longer to draft the law however to ensure that it endures the ingrained habit of policing and the weight of the political it affects that has historically silenced victims. Simply put, the BNSS provides a forward inquiry framework—a blueprint that guarantees participation and accountability. But whether these written guarantees

can be transformed into everyday justice depends on how effectively institutions break from old patterns and honour the rights now codified in statute.

IV. Conducting Victim Empowerment& Legislative Power Dynamics

Beyond this theoretical restructuring, unique provisions in the BNSS significantly accommodate the immediate joy of survival coming into the criminal system Formal institutionalization of 'Zero FIR' guarantees a victim can check a complaint at any police station no matter the jurisdiction, reducing the historic barrier of territorial rejection. Furthermore, the mandate for audio and video recording of victim statements, especially in the instances of sex crimes, protects the testimonial story from police manipulation and limits the trauma of repeated rejection

Yet this rebalancing of energy meets profound contradictions elsewhere in the legislation. An essential victim assessment can't forget about BNSS section 187, which extends the horizon of police custody from the traditional 15-day restriction to 60 or 90 days. While the law provides the voice of the victim in research development under Section 173 and dismissal of cases under Section 257, at the same time it equips the state machinery with more appropriate powers of detention. This cognizance of institutional power also extends to engaging crises such as 'digital arrest'; Even as the new framework seeks to arrest cyber-enabled fraud, victims will maintain a systemic moratorium to remain except local police infrastructure is actively equipped with technical education to enforce those provisions. As a result, the new codes create an unstable criminal milieu in which civil liberties and victim empowerment hang in an uneasy balance.

V. Conclusion

India's recent criminal codes mark a planned attempt to extend victims' rights from the margins to the very coronary heart of statutory regulation. But although the legislature's ambitions are clear, the path to implementation remains open.

The BNSS provides a forward-looking blueprint that ensures participation and structural accountability. But whether these written guarantees can be turned into regular law depends entirely on institutional reform. Success depends on how effectively we destroy our criminal establishments from the colonial technical conduct of policing and confront the political weights that have traditionally silenced those involved.

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